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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,077	05/19/2004	Adrian M. Romanyszyn	L-0171.02	5649

7590 06/27/2006
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San Antonio, TX 78205

EXAMINER

HANAN, DEVIN J

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/849,077

Applicant(s)

ROMANYSZYN, ADRIAN M.

Examiner

Devin Hanan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment dated 4/4/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Markley (U.S. Patent 3,592,366).

Markley discloses paddlewheel tangs with a primary face and a secondary face substantially symmetrical to the primary face, wherein the primary face is adapted to move a product in a first direction and the secondary face is adapted to move a product in a second direction (lifters 56 are U shaped, col. 2 lines 30-33, and therefore have two faces equally capable of transporting ice to the hopper 54, the arrangement is symmetric, see figure 2).

Regarding claim 2, Markley discloses the primary face and the secondary face are at an angle (the angle is zero degrees).

Regarding claim 5, Markley discloses the primary face and the secondary faces have equally effective contact areas (lifters 56 are symmetric and are capable of working in both directions).

Regarding claim 6, Markley discloses substantially the same amount of product is delivered in either direction (lifters 56 are symmetric and are capable of working in both directions with equal effectiveness).

Regarding claim 7, Markley discloses a paddlewheel tang with a primary face for moving a product in a first direction; and a secondary face at an angle to the primary face (the angle being zero degrees), wherein the secondary face moves a product in a second direction (both faces can move the product); and

a crossbar (sheets metal straps 55 serve to increase the strength of the tang) disposed between the primary face and the secondary face to increase the shear strength of the tang.

Regarding claim 8, Markley discloses the product is ice (abstract).

Regarding claim 9, Markley discloses the products are ice cubes (abstract).

Regarding claim 10, Markley discloses the crest of the tangs is rounded (U shaped tangs would be rounded, col. 2 lines 30-33).

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroeder et al. (U.S. Patent 5,054,654).

Schroeder et al. disclose paddlewheel tangs with a primary face and a secondary face substantially symmetrical to the primary face (26 has two faces), wherein the

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primary face is adapted to move a product in a first direction and the secondary face is adapted to move a product in a second direction (tang 26 is capable of moving a product in both directions).

Regarding claim 2, Schroeder et al. disclose the primary face and the secondary face are at an angle (the face on adjacent tangs are at an angle of approximately 30 degrees).

Regarding claim 3, Schroeder et al. disclose the paddlewheel tangs are disposed around an outer periphery of a truncated conical body (22).

Regarding claim 4, Schroeder et al. disclose the truncated conical body rotates about a central aperture disposed along an axis of the truncated conical body (figure 3, 22 has an aperture).

Regarding claim 5, Schroeder et al. disclose the primary face and the secondary faces have equally effective contact areas (figure 3, tangs 26 have equal sized faces).

Regarding claim 6, Schroeder et al. disclose substantially the same amount of product is delivered in either direction (figure 3, the equal sized faces would be expected to deliver equally in either direction).

Regarding claim 7, Schroeder et al. disclose a paddlewheel tang with a primary face for moving a product in a first direction; and a secondary face at an angle to the primary face (the face on adjacent tangs are at an angle of approximately 30 degrees), wherein the secondary face moves a product in a second direction (both faces can move the product); and

a crossbar (the radially inner edges of 26 serve as a crossbar to strengthen the tangs 26) disposed between the primary face and the secondary face to increase the shear strength of the tang.

Regarding claim 8, Schroeder et al. disclose the product is ice (abstract).

Regarding claim 9, Schroeder et al. disclose the products are ice cubes (abstract).

Regarding claim 10, Schroeder et al. disclose the crest of the tangs is rounded (outer periphery of wheel 20 is rounded).

Regarding claim 11, Schroeder et al. disclose the tangs are symmetrical about a plane extending radially from the axis and through the midpoint of the tangs (tangs are symmetric, see figure 3).

Regarding claim 12, Schroeder et al. disclose a paddlewheel with a truncated conical body (22) having an outer periphery; and

tangs (26) disposed along the outer periphery of the truncated conical body, the tangs including a primary face coupled to a substantially symmetrical secondary face (every tang 26 has two equal sized faces), wherein each face is equally adapted to move a product, and further wherein the truncated conical body may be rotated in either direction to move the product (both faces are capable of moving the product).

Regarding claim 13, Schroeder et al. disclose the truncated cone rotates about an axis (19 is the rotational axis).

Regarding claim 14, Schroeder et al. disclose the tangs are substantially symmetrical through a plane passing through an axis of the truncated cone and a midpoint of each tang (tangs 26 are symmetrical).

Regarding claim 15, Schroeder et al. disclose a paddlewheel with a truncated conical body having an outer periphery; and tangs disposed along the outer periphery of the truncated conical body, the tangs including a primary face coupled to a secondary face, wherein each face is equally adapted to move product, such that the truncated conical body may be rotated in either direction to move the product, and further wherein the tangs include a crossbar to increase the inertial properties of the tangs (the radially inner edges of 26 serve as a crossbar to strengthen the tangs 26).

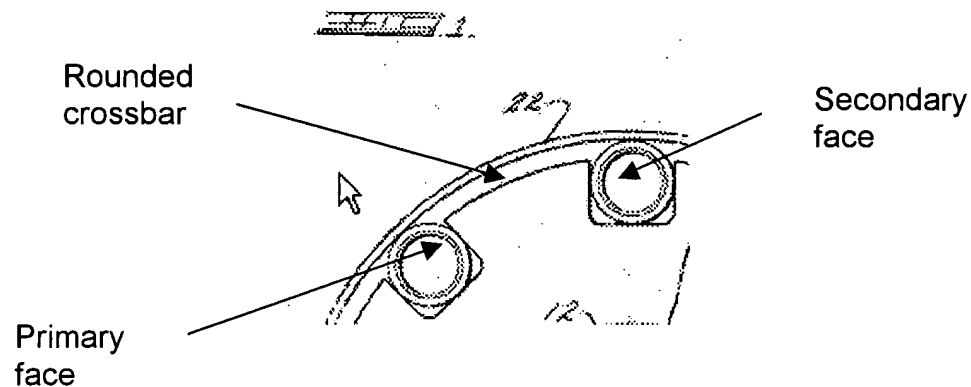
Regarding claim 16, Schroeder et al. disclose the crest of the tangs is rounded (outer periphery of wheel 20 is rounded).

Regarding claim 17, Schroeder et al. disclose the primary face is substantially symmetrical to the secondary face (tangs 26 are symmetric).

Regarding claim 18, Schroeder et al. disclose a central aperture disposed along an axis of the truncated conical body (22), wherein the paddlewheel rotates about the central aperture (22 has an aperture).

Regarding claim 19, Schroeder et al. disclose the primary face of a respective tang is substantially symmetrical to the secondary face of the respective tang through the plane passing through the axis of the truncated conical body at the midpoint of each tang (tangs 26 are symmetric).

Claims 1-3, 5-10, 12-14 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorbie (U.S. Patent 3,599,780).



Sorbie discloses paddlewheel tangs with a primary face and a secondary face substantially symmetrical to the primary face (the wheel 17 has adjacent notches for holding the glassware, the primary and secondary faces are noted above), wherein the primary face is adapted to move a product in a first direction and the secondary face is adapted to move a product in a second direction (either face is capable of moving a product in one direction).

Regarding claim 2, Sorbie discloses the primary face and the secondary face are at an angle (the angle being a few degrees).

Regarding claim 3, Sorbie discloses the paddlewheel tangs are disposed around an outer periphery of a truncated conical body (shaft 10 inserts into the truncated conical body, seen in figure 3).

Regarding claim 5, Sorbie discloses the primary face and the secondary faces have equally effective contact areas (faces are equally sized).

Regarding claim 6, Sorbie discloses substantially the same amount of product is delivered in either direction (the equal sized faces would be expected to deliver equally in either direction).

Regarding claim 7, Sorbie discloses a paddlewheel tang with a primary face for moving a product in a first direction; and a secondary face at an angle to the primary face (the angle being a few degrees), wherein the secondary face moves a product in a second direction (both faces can move the product); and

a crossbar (the rounded crossbar is labeled above) disposed between the primary face and the secondary face to increase the shear strength of the tang.

Regarding claim 8, Sorbie discloses the product is ice (the wheel 17 is capable of moving ice).

Regarding claim 9, Sorbie discloses the products are ice cubes (the wheel 17 is capable of moving ice).

Regarding claim 10, Sorbie discloses the crest of the tangs is rounded (labeled above).

Regarding claim 12, Sorbie discloses a paddlewheel with a truncated conical body (shaft 10 inserts into the conical body, seen in figure 3) having an outer periphery; and

tangs (labeled above) disposed along the outer periphery of the truncated conical body, the tangs including a primary face coupled to a substantially symmetrical

secondary face (the faces of the tangs are labeled above), wherein each face is equally adapted to move a product, and further wherein the truncated conical body may be rotated in either direction to move the product (both faces are capable of moving the product).

Regarding claim 13, Sorbie discloses the truncated cone rotates about an axis (10 is the rotating shaft).

Regarding claim 14, Sorbie discloses the tangs are substantially symmetrical through a plane passing through an axis of the truncated cone and a midpoint of each tang (faces labeled above are symmetrical).

Regarding claim 18, Sorbie discloses a central aperture disposed along an axis of the truncated conical body (shaft 10 is inserted into the truncated conical body, seen in figure 3), wherein the paddlewheel rotates about the central aperture (shaft 10 passes through the apertures).

Regarding claim 19, Sorbie discloses the primary face of a respective tang is substantially symmetrical to the secondary face of the respective tang through the plane passing through the axis of the truncated conical body at the midpoint of each tang (the faces are symmetric, faces are labeled above).

Claims 1-2, 5-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Glass et al. (U.S. Patent 6,607,096).

Glass et al. disclose paddlewheel tangs with a primary face and a secondary face substantially symmetrical to the primary face (303), wherein the primary face is

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adapted to move a product in a first direction and the secondary face is adapted to move a product in a second direction (tang have two faces which are capable of moving products in two directions).

Regarding claim 2, Glass et al. disclose the primary face and the secondary face are at an angle (the angle being approximately 30 degrees).

Regarding claim 5, Glass et al. disclose the primary face and the secondary faces have equally effective contact areas (figure 3, 303 has equal sized faces).

Regarding claim 6, Glass et al. disclose substantially the same amount of product is delivered in either direction (figure 3, the equal sized faces would be expected to deliver equally in either direction).

Regarding claim 8, Glass et al. disclose the product is ice (abstract).

Regarding claim 9, Glass et al. disclose the products are ice cubes (abstract).

Prior Art

The patent to Von Der Ohe (U.S. Patent 3,237,276) was cited for its teaching of a paddlewheel with tangs that have symmetrical faces (14).

The patent to Guckel (U.S. Patent 3,687,261) was cited for its teaching of a paddlewheel with tangs that have symmetrical faces (41).

The patent to Fowler (U.S. Patent 2,805,756) was cited for its teaching of a paddlewheel with tangs that have symmetrical faces (34).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Hanan whose telephone number is 571-272-6089. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 571-272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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6/22/06